

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-28 were pending in this application. Claims 1, 4, and 6 have been amended; claims 2-3, 10-20 and 24-28 have been canceled; and new claims 29-35 have been added. Claims 21-23, which were previously withdrawn from consideration as relating to a non-elected invention, have been reintroduced into this application because they ultimately depend from elected, independent claim 1. Thus, claims 1, 4-9, 21-23, and 29-35 are submitted for reconsideration.

Applicants thank the Examiner for the courtesies extended during the interview on January 25, 2005, during which Applicants and the Examiner discussed amending claim 1 to include a release mechanism to overcome the reference applied in the Office Action. Applicants have done so, as explained below.

Claims 1-9 are rejected under 35 USC § 102(b) as anticipated by Verbeek (USP 5,938,285). Applicants request withdrawal of this rejection for at least the following reasons.

Claim 1, as amended, defines a child seat that includes “a release mechanism to enable the latch to unlock from the notch.” Verbeek does not teach or suggest such a release mechanism. Although the Office Action identifies stop member (144) of Verbeek as a release mechanism, stop member (144) does not enable Verbeek’s latch (lock 160) to unlock from a notch. Rather, to unlock Verbeek’s latch (160) from notches (indentations 116), a user simply pulls up on the backrest (32), and bulbous ends (192) of latch (160) move in and out of the notches (116). See Verbeek at col. 6, lines 40-52. When the latch (160) reaches the topmost notch (116), bulbous ends (192) are cammed out of alignment with the notches (116) by ramps (140) to ride on surfaces (132) of flanges (130) as the backrest is pushed downward. See Verbeek at col. 5, lines 54-59 and col. 6, line 53 – col. 7, line 21. Stop member (144) does not interact with latch (160) during disengagement of the latch (160) from the notches (116); stop member (144) functions to prevent unintended separation of brackets (36, 38) once they are assembled in operative association. See Verbeek at col. 5, lines 22-26.

Because Verbeek does not teach or suggest “a release mechanism to enable the latch to unlock from the notch” as required by claim 1, Applicants submit that Verbeek does not anticipate claim 1, or its dependent claims 4-9 and 21-23, under 35 USC § 102(b).

Applicants have added new claims 29-33 and 35 to this application. New claims 29-33 and 35 depend from claim 1. Applicants submit that these claims are patentable over Verbeek for at least the same reasons as claim 1.

Applicants also have added new claim 34 to this application. New claim 34 defines a child seat that comprises “an adjustable backrest having a top portion movably connected to a bottom portion to move upward or downward relative to the bottom portion; a flexible latch connected to one of the top and bottom portions; a series of notches located in the other of the top and bottom portions, the notches corresponding to height positions of the top portion relative to the bottom portion, wherein the latch is adapted to be positioned to engage a selected notch corresponding to a selected height position to fix the top portion relative to the bottom portion; and a release mechanism adapted to allow the latch to unlock from the selected notch to enable movement of the latch upward or downward to another notch adjacent the selected notch.” Applicants submit that new claim 34 is patentable over Verbeek.

Finally, Applicants request that the Examiner consider documents C19-C25 submitted in the Information Disclosure Statement filed March 9, 2004. Applicants note that the Examiner considered these documents in parent application No. 10/072,601.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 CFR 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 10, 2005

By Mary Michelle Kile

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5428
Facsimile: (202) 672-5399

Mary Michelle Kile
Attorney for Applicants
Registration No. 35,217